

Exhibit C

Volume I
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Exhibits None

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
SUSANNA MIRKIN and BORIS :
MIRKIN, Individually and on :
Behalf of All Others :
Similarly Situated, : Civil Action
Plaintiffs, : No. 18 Civ. 2949
: (ARR) (RER)
vs. :
:
XOOM ENERGY, LLC; and XOOM :
ENERGY NEW YORK, LLC, :
Defendants. :

- - - - -x
VIDEOTAPED DEPOSITION OF DERYA ERYILMAZ,
Ph.D., a witness called by the Defendant, taken
pursuant to the Federal Rules of Civil Procedure,
before Alexander K. Loos, Registered Diplomat
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the Offices of
Veritext Legal Solutions, 101 Arch Street, Suite
650, Boston, Massachusetts, on Tuesday, November 15,
2022, commencing at 10:25 a.m.

PRESENT:

Wittels McInturff Palikovic
(By Steven L. Wittels, Esq.; Steven D.
Cohen, Esq. (Via videoconference); and
Ethan D. Roman, Esq. (Via videoconference))
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Armonk, NY 10504
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for the Plaintiffs.

1 all aligned, and, as we were preparing the report,
2 we discussed the whole approach and how the data is
3 presented.

4 Q. Understood.

5 A. So I guess my role was to conduct the
6 quantitative analysis.

7 Q. Okay. Did you also have a role in the
8 analysis of the contract?

9 A. I guess we were in discussions, but Seab
10 took the -- I guess there are four points that we
11 made in our report; and he was more on the first
12 three bullets that we presented, and then I was more
13 on the last one where -- developing the damages
14 model.

15 So I did not analyze the -- like the
16 contract.

17 Q. Okay. And the report says you were
18 primarily responsible for the data analysis and
19 development of the quantitative damages model
20 discussed herein, in Paragraph 15.

21 A. Yes.

22 Q. You agree with that description?

23 A. I agree with that.

24 Q. And that's the gist of what you're saying?

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS.)

3 I, Alexander K. Loos, RDR and Notary Public in
4 and for the Commonwealth of Massachusetts, do hereby
5 certify that there came before me on the 15th day of
6 November, 2022, at 10:25 a.m., the person
7 hereinbefore named, who was by me duly sworn to
8 testify to the truth and nothing but the truth of
9 her knowledge touching and concerning the matters in
10 controversy in this cause; that she was thereupon
11 examined upon her oath, and her examination reduced
12 to typewriting under my direction; and that the
13 deposition is a true record of the testimony given
14 by the witness. I further certify that I am neither
15 attorney or counsel for, nor related to or employed
16 by, any attorney or counsel employed by the parties
17 hereto or financially interested in the action.

18 In witness whereof, I have hereunto set my hand
19 and affixed my notarial seal this 27th day of
20 November, 2022.

21 

22
23 Notary Public

24 Commission expires 5/5/28